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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

U.S. Pat. No. 6,541,008

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Inventor(s): Lyn M. Wise

Appl. No.: 09/431,888

Patent No.: 6,541,008

Confirm. No.: 9374

Issued: April 1, 2003

Title: VASCULAR ENDOTHELIAL GROWTH FACTOR-
LIKE PROTEIN FROM ORF VIRUSES BINDS AND
ACTIVATES MAMMALIAN VEGF RECEPTOR-2
AND USES THEREOF

Customer No.: 66936

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED
PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

This Renewed Petition is being submitted in response to a letter mailed March 26, 2012 in the above US patent. In the letter, the Petitions Examiner dismissed Applicant's Petition of October 24, 2011 for not including a Statement of Ownership under 37 CFR 3.73(b).

Applicant herein presents a Renewed Petition and provides a Statement of Ownership under 37 CFR 3.73(b) as requested. The representative of Otago Innovation Limited who signed both the Statement of Ownership and the original Petition is Mr. Garth Hendry. A true copy of the Statement is included herewith as Appendix 1. The Statement of Ownership is signed by a representative of patent owner and Applicant, Otago Innovation Limited, and includes USPTO form SB/96 and a Continuation Page to provide information relating to assignments that, when considered together, form a complete chain of title from the original inventors through to the patent owner and Applicant, Otago Innovation Limited.

Applicant also includes in Appendix 2, a true copy of the original Petition filed October 24, 2011, including Transmittal Form, Fee Transmittal, Power of Attorney, Petition to Accept Unintentionally Delayed Payment of Maintenance Fee, Facsimile Cover Sheet, Facsimile Cover Sheet indicating successful transmission, and Auto-Reply from the USPTO indicating receipt of the Petition

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and associated documents.

Applicant's representative thanks the Petitions Examiner for treating the Petition as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. Applicant herein respectfully confirms that based on reasonable inquiry, the person who signed the original Petition had firsthand and direct knowledge of the facts and circumstances of the delay at issue.

The original Petition included a Power of Attorney from Applicant to the undersigned, which was granted in a Notice mailed November 14, 2011. Applicant therefore believes that the undersigned is authorized to submit this Renewed Petition. Please direct all papers and inquiries to Applicant's representative using the address/telephone/facsimile/email provided below.

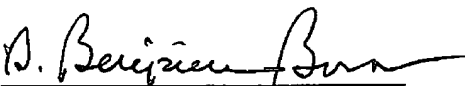
Based on the combination of documents submitted herewith, Applicant believes that the Renewed Petition is in condition for grant, and respectfully requests the Petitions Examiner to grant the Renewed Petition and to reinstate U.S. Patent No. 6, 541,008.

Applicant notes that the Maintenance Fee of \$1,425.00 and Petition Fee were (total \$1,640.00) was deducted from Deposit Account No. 50-4089, and believes that no additional fee is due. However, if any fee is due, the Commissioner is authorized to deduct any required fee from Deposit Account No. 50-4089.

If the Petitions Examiner believes that a telephone conversation with the undersigned would assist in moving this process forward, such a telephone conversation is cordially invited.

Dated: April 11, 2012

Respectfully submitted,

By: 
D. Benjamin Borson, Ph.D.
Reg. No. 42,349

Customer No. 66936
Borson Law Group, PC
1078 Carol Lane, #200
Lafayette, CA 94549
Tel: (925) 310-2060
Fax: (925) 310-2061
bborson@borsonlaw.com

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PTO/SB/98 (07-09)

Approved for use through 07/31/2012. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Otago Innovation LimitedApplication No./Patent No.: 09431888 / 6541008Filed/Issue Date: 11/02/1999 / 04/01/2003

Titled:

Otago Innovation Limited, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made).

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventors Wise, Mercer, Savory, Fleming To: University of Otago

The document was recorded in the United States Patent and Trademark Office at

Reel 010558, Frame 0560, or for which a copy thereof is attached.2. From: Inventor Steven A. Stacker To: Ludwig Institute for Cancer Research

The document was recorded in the United States Patent and Trademark Office at

Reel 010558, Frame 0669, or for which a copy thereof is attached.3. From: Ludwig Institute for Cancer Research To: Vegenics Limited

The document was recorded in the United States Patent and Trademark Office at

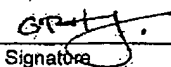
Reel 020741, Frame 0836, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

11 April 2012

Date

Garth S. Hendley
 Printed or Typed Name

Intellectual Property Manager
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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USPTO Form SB/0096
Statement Under 37 C.F.R. 3.73(b)

Continuation Page

4. From: Vegenics Limited To: Vegenics PTY Limited
The document was recorded in the United States patent and Trademark Office at:
Reel: 027137 Frame: 0279, or for which a copy thereof is attached.
5. From: Vegenics PTY Limited To: Otago Innovation Limited
The document was recorded in the United States Patent and Trademark Office at:
Reel: 027029 Frame: 0775, or for which a copy thereof is attached.
6. From: Vegenics PTY Limited and University of Otago
To: Otago Innovation Limited
The document was recorded in the United States Patent and Trademark Office at:
Reel: 027993 Frame: 0108, or for which a copy thereof is attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

GRH
Signature11 April 2012
DateGarth S. Hendry
Printed or typed NameIntellectual Property Manager
Title

Appendix 2

True Copy of Original Petition

Filed October 24, 2011

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